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**UNITED STATES DISTRICT COURT    SOUTHERN DISTRICT OF TEXAS**

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April Scarlott	§	
	§	
<i>versus</i>	§	Civil Action 4:10–cv–04865
	§	
Nissan North America, Inc., et al.	§	

**Evidentiary Hearing Request Of April Scarlott**

On July 1, 2011, counsel for Nissan North America, Inc. (Giovanna Tarantino Bingham and Jeffrey S. Patterson) served Plaintiff and her counsel (Noah D. Radbil, Dennis R. Kurz, and Aaron D. Radbil) with the attached motion for sanctions under Rule 11.<sup>1</sup> Nissan North America’s motion for sanctions requests that this Court suspend Plaintiff’s counsel from the practice of law before this Court, and fine them \$50,000.

Nissan North America’s motion for sanctions is based upon Nissan North America’s contention that no evidence supports Ms. Scarlott’s summary judgment arguments, and that overwhelming evidence supports Nissan North America’s summary judgment arguments. The motion is baseless. Because of the nature of the accusations included in Nissan North America’s motion for sanctions, Plaintiff and her counsel waive the twenty-one day safe harbor period provided by Rule 11. Plaintiff and her counsel request that upon Nissan North America’s filing of the motion, the Court schedule an in-person evidentiary hearing at which counsel for Ms. Scarlott may present in open court the evidence that Nissan North America claims does not exist.

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<sup>1</sup> A true and correct copy of Nissan North America’s July 1, 2011, letter and attached motion is attached hereto as Exhibit A. The motion is attached without exhibits.

Dated: July 15, 2011.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on July 15, 2011, the foregoing was filed through the Court's EM/ECF system and was served upon all attorneys to be noticed.

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